

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

LA'TAVIA MITCHELL
1728 Pitman Avenue
Pennsauken, NJ 08110-3736

Plaintiff

vs.

CHASE RECEIVABLES, INC.
1247 Broadway
Sonoma, CA 95476

Defendant

CIVIL ACTION

NO.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 ("FDCPA").

2. The FDCPA prohibits debt collectors from engaging in unfair or unconscionable practices in the collection of a consumer debt.

3. Defendant is subject to strict liability for sending a collection letter that exposes personal identifying information visibly on the envelope placed into the mails.

II. JURISDICTION

4. Subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §§1331 and 1337.

5. Venue is proper as defendant regularly does business in this district and has caused harm in this district.

III. PARTIES

6. Plaintiff La'Tavia Mitchell ("Plaintiff" or "Mitchell") is a consumer who resides in Pennsauken, New Jersey at the address captioned.

7. Defendant Chase Receivables, Inc. ("Defendant" or "Chase") is a nationwide debt collector with a principal place of business at the address captioned.

8. Defendant regularly engages in the collection of consumer debts using the mails and telephone.

9. Defendant regularly attempts to collect consumer debts alleged to be due another.

10. Defendant is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

IV. STATEMENT OF CLAIM

11. On or about September 26, 2013, Defendant Chase mailed a collection notice to Plaintiff in an attempt to collect a consumer debt alleged due. A copy of the September 26, 2013 letter is attached hereto as Exhibit A (redacted in part per Fed. R. Civ. P. 5.2).

12. The collection letter was mailed by Chase to Plaintiff in a window envelope.

13. Visible through the glassine window of the envelope placed into the mails was the financial account number that Defendant assigned to Plaintiff and her account.

14. The financial account number (ending in 6306) constitutes personal identifying information.

15. The FDCPA prohibits the use of unfair or unconscionable means to collect or attempt to collect a debt, including the use of any language or symbol other than the debt collector's name and address on any envelope when communicating with a consumer by mail. 15 U.S.C. § 1692f(8).

16. The account number is a piece of information capable of identifying Mitchell as a debtor, and its disclosure has the potential to cause harm to a consumer that the FDCPA was enacted to address.

COUNT I
(FAIR DEBT COLLECTION PRACTICES ACT)

17. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

18. Defendant's acts described above violated the Fair Debt Collection Practices Act by the use of language or a symbol on any envelope when communicating with a consumer by mail, in violation of 15 U.S.C. § 1692f(8).

WHEREFORE, Plaintiff La'Tavia Mitchell demands judgment against Defendant Chase Receivables, Inc. for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.


VII. JURY DEMAND

Pursuant to Fed. R. Civ. P. 38, Plaintiff demands trial by jury as to all issues so triable.

Respectfully submitted:

DATE:

9/22/14



CARY L. FLITTER

THEODORE E. LORENZ

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Attorneys for Plaintiff

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EXHIBIT "A"

DEPT 1011 E86054309241
PO BOX 4115
CONCORD CA 94524

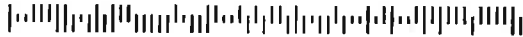


PERSONAL & CONFIDENTIAL

Return Service Requested

CHASE RECEIVABLES
A Professional Collection Agency
800-622-0484

September 26, 2013



LATAVIA B MITCHELL [REDACTED] 6306-EA VZ
1728 PITMAN AVE
PENNSAUKEN, NJ 08110-3736

Send payments/Correspondence To:
Chase# 6306-EA VZ
Chase Receivables
1247 Broadway
Sonoma, CA 95476

IMPORTANT: TO RECEIVE PROPER CREDIT BE SURE TO ENCLOSE THIS PORTION WITH YOUR PAYMENT

Office Handling Your Account:
Office Hours:

PLEASE CALL BETWEEN
Monday-Friday 6:00am to 6:30pm PST
Saturday 7am to 2:30pm PST

Dear LATAVIA B MITCHELL,

CREDITOR: VERIZON WIRELESS
CREDITOR ACCT#: [REDACTED] 0001
ACCT#: [REDACTED] 6306
Principal: \$ 331.99
Verizon Collection Fee: \$ 59.75
AMOUNT DUE: \$391.74

This letter is to inform you of a special offer to resolve your overdue account with our client. We apologize that a possible hardship or pitfall may have prevented you from satisfying your obligation. It is with this in mind that we would like to offer you a limited time offer opportunity to satisfy your outstanding debt. We are presenting four options that will enable you to avoid further collection activity being taken against you.

OPTION 1: A settlement of 50% OFF of your current balance, SO YOU ONLY PAY \$195.87 in ONE PAYMENT that must be received in this office on or before OCTOBER 15th, 2013.

OPTION 2: A settlement of 40% OFF of your current balance, SO YOU ONLY PAY \$235.04 in ONE PAYMENT that must be received in this office on or before OCTOBER 31st, 2013.

OPTION 3: A settlement of 30% OFF of your current balance, SO YOU ONLY MAKE TWO PAYMENTS OF \$137.11 EACH the first payment must be received on or before OCTOBER 15th, 2013 and the second by NOVEMBER 15th, 2013.

OPTION 4: Monthly payment plan on full balance.

If you are interested in taking advantage of one of these terrific opportunities or if you have any questions, you MUST contact our office as soon as possible at 800-622-0484 (toll free). When you call, please let your representative know that you have received the CHASE Receivables Option Letter and tell us whether you would like to take advantage of the SETTLEMENT OPTION or the PAYMENT Option.

If we do not hear from you, we are forced to assume that you do not intend to resolve your obligation on a voluntary basis and we will recommend that our client proceed with further collection activity.

Sincerely,

Chase Receivables

You have 6 easy payment options:

1. Send us a check-Make all checks payable to VERIZON WIRELESS and send to the payment address above.
 2. Pay via a Credit Card. (\$14.95 Chase Receivables processing fee where applicable)
 3. Pay via Western Union.
 4. Pay via the web www.chaserec.com/paymethod.php PIN# 53836. *
 5. Call us at the number shown above and one of our representatives will be happy to assist you!
 6. Electronic Check Payments can be done over the phone (\$9.95 Chase Receivables processing fee where applicable)
- * Selecting this option enables you to make a payment 24 hours a day, 7 days a week - and you do not need to speak to a representative.

THIS IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
THIS COMMUNICATION IS FROM A COLLECTION AGENCY.